



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Hermann Bujard *et al.*

Serial No.: 09/777,317

Filed: February 5, 2001

For: *TETRACYCLINE-REGULATED  
TRANSCRIPTIONAL ACTIVATOR FUSION  
PROTEINS*

Attorney Docket No.: BBI-013C3CN3

Group Art Unit: 1632

Examiner: R. Shukla

RECEIVED  
NOV 12 2003  
TECH CENTER 1600/2300

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**CERTIFICATION UNDER 37 CFR 1.10**

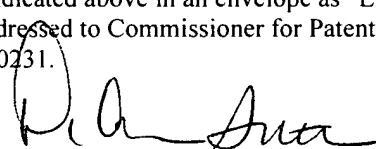
Date of Deposit: November 4, 2003

Mailing Label Number: EV 311017597 US

I hereby certify that this 37 CFR 1.53(d) request and the documents referred to therein as enclosed are being deposited with the United States Postal Service on the date indicated above in an envelope as "Express Mail Post Office to Addressee" service under 37 CFR 1.10 and addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, Washington, D.C. 20231.

DeAnn F. Smith, Esq.

Name of Person Mailing Paper

  
Signature of Person Mailing Paper

**TERMINAL DISCLAIMER PURSUANT TO 37 C.F.R. §1.321(c)**

Dear Sir:

I, DeAnn F. Smith, Registration No. 36,683, as attorney of record in the above-identified patent application, hereby declare that Knoll Aktiengesellschaft, a corporation organized under the laws of Germany having a place of business at Ludwigshafen, Germany, and Abbott GmbH & Co., KG, having a place of business at Wiesbaden, Germany, are the owners of the above-identified patent application by Assignment documents executed for the parent application (Serial No. 08/479,306) by the inventors to Knoll Aktiengesellschaft; the Assignment executed

by inventor Hermann Bujard on March 15, 1996 and recorded on April 17, 1996 at Reel 7912, Frame 0924 to ; the Assignment document executed by inventor Manfred Gossen on March 15, 1996 and recorded on April 17, 1996 at Reel 7910, Frame 0537; the Assignment document executed by inventors Jochen Salfeld and Jeffrey Voss on August 23, 1995 and recorded on September 14, 1995 at Reel 7643, Frame 0404, and by the Assignment document executed by BASF Aktiengesellschaft to Abbott Gmbh & Co., KG executed on May 22, 2003 and recorded on June 10, 2003 at Reel 013718, Frame 0861. BASF Aktiengesellschaft was the owner of the above-identified patent application by virtue of Assignment documents executed for the parent application (Serial No. 08/479,306) by the inventors to BASF Aktiengesellschaft; the Assignment executed by inventor Hermann Bujard on March 15, 1996 and recorded on April 17, 1996 at Reel 7912, Frame 0924 to ; the Assignment document executed by inventor Manfred Gossen on March 15, 1996 and recorded on April 17, 1996 at Reel 7910, Frame 0537; the Assignment document executed by inventors Jochen Salfeld and Jeffrey Voss on August 23, 1995 and recorded on September 14, 1995 at Reel 7643, Frame 0404.

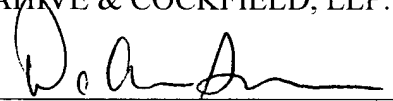
Pursuant to 35 U.S.C. §253 and 37 C.F.R. §1.321, Assignees Knoll Aktiengesellschaft and Abbott Gmbh & Co., KG hereby disclaim the terminal part of any patent granted on the above-identified application that would extend beyond the expiration date of the full statutory term of U.S. Patent No. 6,136,954, issued October 24, 2000, and hereby agree that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent 6,136,954, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantor, its successors or assigns.

Assignees Knoll Aktiengesellschaft and Abbott Gmbh & Co., KG do not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of U.S. Patent 6,136,954,

in the event that it later: expires for failure to pay a maintenance fee; is held unenforceable; is found invalid; is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a); has all claims canceled by a reexamination certificate; is reissued; or is otherwise terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer; except for the separation of legal title stated above.

Signed at Boston, Massachusetts this 4th day of November, 2003,

Respectfully submitted,  
LAHVE & COCKFIELD, LLP.

A handwritten signature in black ink, appearing to read 'DeAnn F. Smith', is written over a horizontal line.

DeAnn F. Smith, Esq.  
Registration No. 36,683  
Attorney for Applicants